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JS - 6

Attorneys for Defendants,  
CITY OF ANAHEIM (also erroneously sued as  
Anaheim Police Department); and  
OFFICER NICK BENNALLACK

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

ESTATE OF MANUEL DIAZ;	}	Case No.: SACV12-01897 JVS (RNBx)
GENEVIEVE HUIZAR, an individual,		<b>JUDGMENT</b>
and; LUPE DIAZ, an individual,		
Plaintiffs,	}	
	}	
	}	
vs.	}	
	}	
CITY OF ANAHEIM, et al.,	}	
	)	
Defendants.		

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This action came on for trial on February 25, 2014, in Courtroom 10C of the United States District Court for the Central District of California, the Honorable James V. Selna, United States District Judge, presiding:

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Plaintiffs Estate of Manuel Diaz and Genevieve Huizar were represented by Dale K. Galipo and Melanie Partow of The Law Offices of Dale K. Galipo, Humberto Guizar, and Angel Carrazco.

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Defendants City of Anaheim and Officer Nick Bennallack were represented by Moses W. Johnson, IV, Assistant City Attorney for the City of Anaheim, and Steven J. Rothans and Jill Williams of Carpenter, Rothans & Dumont.

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A jury was regularly empanelled and sworn. Witnesses were sworn and testified. After the presentation of the evidence, the instructions of the Court, and the arguments of counsel, the case was submitted to the jury. The jury deliberated and, on March 6, 2014, returned to Court with its verdict as follows:

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**Question #1:**

Did Officer Bennallack use excessive or unreasonable force against Manuel Diaz?

\_\_\_\_\_ YES                        X   NO

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Pursuant to the jury's verdict finding in favor of Defendants City of Anaheim and Officer Nick Bennallack,

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NOW, THEREFORE, IT IS ORDERD, ADJUDGED AND DECREED that final judgment in this action be entered as follows:

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1. Defendants City of Anaheim and Officer Nick Bennallack shall have judgment entered in their favor on the plaintiffs' state tort wrongful death/battery claim and plaintiffs shall take nothing;

2. Defendant Officer Nick Bennallack shall have judgment

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2 entered in his favor on plaintiffs' claim for violations of civil rights  
3 under 42 U.S.C. § 1983 and plaintiffs shall take nothing; and  
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5 3. Defendants City of Anaheim and Officer Nick Bennallack shall  
6 recover costs of suit and interest incurred herein, as provided by law.  
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10 DATED: March 20, 2014

  
Honorable James V. Selna  
United States District Court Judge